

05-R -0954

Entered - 11/12/03 - sb
CL03L0881 - GWENDOLYN BURNS

ADOPTED BY
JUN 06 2005
COUNCIL

CLAIM OF: **RENA ANN PECK,**
through her attorney,
J. Michael Parsons
275 14th Street, NW, Suite 200
Atlanta, Georgia 30318

For damages alleged to have been sustained as a result of a fall
on an open water construction cut in the sidewalk on September
8, 2003 at 55 Martin Luther King, Jr. Drive.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that
the action of the Department of Law be approved in authorizing
payment to **RENA ANN PECK, through her attorney, J.
Michael Parsons,** the sum of **\$9,330.00** in full settlement and
satisfaction of all claims, past, present and future, of every kind
and character for damages alleged to have been sustained as a
result of a fall on an open water construction cut in the sidewalk
on September 8, 2003 at 55 Martin Luther King, Jr. Drive as is
more particularly set forth in the within claim; said sum taken
from and charged to account **2J01/529017/Q30001.**

APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 5/31/05

CHAIR: C. T. Morris

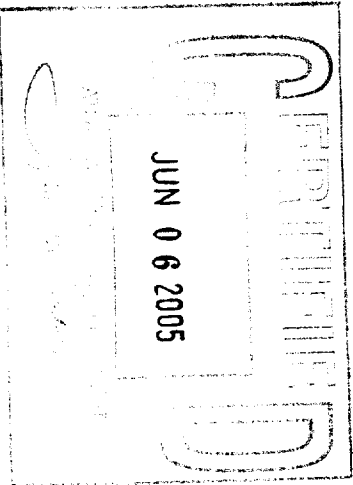
C. T. Morris

James M. Shepherd

Paula Smith

Harold Smith

APPROVED
Shirley L. Smith
MAYOR



CERTIFIED
JUN 06 2005
Rene L. Davidson
MUNICIPAL CLERK



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

05-R-0954

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Rena Ann Peck, through her attorney, J. Michael Parsons** to in the sum of **\$9,330.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as **a result of a fall on an open water construction cut in the sidewalk on September 8, 2003 at 55 Martin Luther King, Jr. Drive** as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/TQ30001, Settlement of Suits and Claims, Department of Law.

A true copy,

Phonka Daughin Johnson
Municipal Clerk, CMG

**ADOPTED by the Council
APPROVED by the Mayor**

June 6, 2005
June 14, 2005

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0881

Date: May 20, 2005

Claimant /Victim RENA ANN PECK
BY: (Atty) J. Michael Parsons
Address: 275 14th Street, NW, Suite 200, Atlanta, Georgia 30318-9100
Subrogation: Claim for Property damage \$ Bodily Injury \$ **42,500.00**
Date of Notice: 11/05/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/08/03 Place: 55 Martin Luther King, Jr. Drive
Department Watershed Management Bureau: Drinking Water
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant was injured when she fell in an open construction cut in the sidewalk. The investigation determined that the Bureau of Drinking Water had been working at this location but failed to secure the construction cut.


INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable X
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ **9,330.00** Adverse Account charged: 1A01 2J01 X 2H01 2P01
Claims Manager: Concur/date 05/20/2005
Committee Action: Council Action

RCS# 6714
6/06/05
2:56 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 3-18 EXCEPT:05-O-0893
05-R-1006 05-R-1001
ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Sheperd	NV Borders

CONSENT I

			06-06-05 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-0891	31. 05-R-0963	49. 05-R-0794	80. 05-R-0947
2. 05-O-0890	32. 05-R-0964	50. 05-R-0796	81. 05-R-0948
3. 05-O-0894	33. 05-R-0966	51. 05-R-0797	82. 05-R-0949
4. 05-O-0668	34. 05-R-0967	52. 05-R-0798	83. 05-R-0950
5. 05-O-0667	35. 05-R-0918	53. 05-R-0802	84. 05-R-0951
6. 05-O-0899	36. 05-R-0919	54. 05-R-0803	85. 05-R-0952
7. 05-O-0816	37. 05-R-0920	55. 05-R-0804	86. 05-R-0953
8. 05-O-0817	38. 05-R-0921	56. 05-R-0808	87. 05-R-0958
9. 05-R-0983	39. 05-R-0922	57. 05-R-0809	
10. 05-R-0984	40. 05-R-0923	58. 05-R-0811	
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13. 05-R-0987	43. 05-R-0926	61. 05-R-0928	
14. 05-R-0959	44. 05-R-0927	62. 05-R-0929	
15. 05-R-0994	45. 05-R-0954	63. 05-R-0930	
16. 05-R-0995	46. 05-R-0955	64. 05-R-0931	
17. 05-R-0996	47. 05-R-0956	65. 05-R-0932	
18. 05-R-0997	48. 05-R-0957	66. 05-R-0933	
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26. 05-R-0978		74. 05-R-0941	
27. 05-R-0979		75. 05-R-0942	
28. 05-R-0980		76. 05-R-0943	
29. 05-R-1000		77. 05-R-0944	
30. 05-R-0962		78. 05-R-0945	
		79. 05-R-0946	